

Contents



	PAGE
<i>Benami Law - At a Glance</i>	I-9
<u>CHAPTER I</u>	
PRELIMINARY	
1. Short title, extent and commencement	23
2. Definitions	37
<u>CHAPTER II</u>	
PROHIBITION OF <i>BENAMI</i> TRANSACTIONS	
3. Prohibition of <i>benami</i> transactions	134
4. Prohibition of the right to recover property held <i>benami</i>	146
5. Property held <i>benami</i> liable to confiscation	153
6. Prohibition on re-transfer of property by <i>benamidar</i>	157
<u>CHAPTER III</u>	
AUTHORITIES	
7. Adjudicating Authority	161
8. Composition of Authority	162
9. Qualifications for appointment of Chairperson and Members	162
10. Constitution of Benches of Adjudicating Authority	164
11. Power of Adjudicating Authority to regulate its own procedure	165
12. Term of office of Chairperson and Members of Adjudicating Authority	166
13. Terms and conditions of services of Chairperson and Members of Adjudicating Authority	167
14. Removal of Chairperson and Members of Adjudicating Authority	169
15. Member to act as Chairperson in certain circumstances	171

	PAGE
16. Vacancies, etc., not to invalidate proceedings of Adjudicating Authority	172
17. Officers and employees of Adjudicating Authority	173
18. Authorities and jurisdiction	174
19. Powers of authorities	183
20. Certain officers to assist in inquiry, etc.	188
21. Power to call for information	190
22. Power of authority to impound documents	192
23. Power of authority to conduct inquiry, etc.	196

CHAPTER IV

ATTACHMENT, ADJUDICATION AND CONFISCATION

24. Notice and attachment of property involved in <i>benami</i> transaction	198
25. Manner of service of notice	215
26. Adjudication of <i>benami</i> property	217
27. Confiscation and vesting of <i>benami</i> property	228
28. Management of properties confiscated	233
29. Possession of the property	235

CHAPTER V

APPELLATE TRIBUNAL

30. Establishment of Appellate Tribunal	238
31. Composition, etc., of Appellate Tribunal	242
32. Qualifications for appointment of Chairperson and Members of Appellate Tribunal	244
33. Terms and conditions of services of Chairperson and Members of Appellate Tribunal	246
34. Term of office of Chairperson and Members	248
35. Removal of Chairperson and Member from office in certain circumstances	249
36. Vacancies, etc., not to invalidate proceedings of Appellate Tribunal	253
37. Resignation and removal	254
38. Member to act as Chairperson in certain circumstances	255
39. Staff of Appellate Tribunal	257
40. Procedure and powers of Appellate Tribunal	258

	PAGE
41. Distribution of business amongst Benches of Appellate Tribunal	263
42. Power of Chairperson of Appellate Tribunal to transfer cases	263
43. Decision to be by majority	264
44. Members, etc., to be public servants	266
45. Bar of jurisdiction of civil courts	267
46. Appeals to Appellate Tribunal	269
47. Rectification of mistakes	278
48. Right to representation	287
49. Appeal to High Court	290

CHAPTER VI

SPECIAL COURTS

50. Special Courts	296
51. Application of Code of Criminal Procedure, 1973 to proceedings before Special Court	298
52. Appeal and revision	300

CHAPTER VII

OFFENCES AND PROSECUTION

53. Penalty for <i>benami</i> transaction	302
54. Penalty for false information	305
54A. Penalty for failure to comply with notices or furnish information	307
54B. Proof of entries in records or documents	309
55. Previous sanction	310

CHAPTER VIII

MISCELLANEOUS

56. Repeal of provisions of certain Acts	312
57. Certain transfers to be <i>null and void</i>	313
58. Exemption	314
59. Power of Central Government to issue directions, etc.	315
60. Application of other laws not barred	318
61. Offences to be non-cognizable	318
62. Offences by companies	319
63. Notice, etc., not to be invalid on certain grounds	322

	PAGE
64. Protection of action taken in good faith	323
65. Transfer of pending cases	324
66. Proceedings, etc., against legal representative	326
67. Act to have overriding effect	328
68. Power to make rules	328
69. Laying of rules and notifications before Parliament	331
70. Power to remove difficulties	333
71. Transitional provision	334
72. Repeal and saving	335

APPENDICES

◆ Appendix 1 : Prohibition of <i>Benami</i> Property Transactions Act, 1988	339
◆ Appendix 2 : Prohibition of <i>Benami</i> Property Transactions Rules, 2016	377
◆ Appendix 3 : Prohibition of <i>Benami</i> Property Transactions (Conditions of Services of Members of Adjudicating Authority) Rules, 2019	387
◆ Appendix 4 : <i>Benami</i> Transactions Informants Reward Scheme, 2018	395
◆ Appendix 5 : Notifications issued under the Act	413
◆ Appendix 6 : Fugitive Economic Offenders Act, 2018	435
◆ Appendix 7 : Relevant section of Companies Act, 2013	453
◆ Appendix 8 : Taxation and Other Laws (Relaxation of Certain Provisions) Ordinance, 2020	457